

House Bill 542

By: Representative Rice of the 51<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of licenses to persons completing defensive driving course or alcohol or drug program, so as to provide for approval of driver improvement clinics curriculum; to provide for certificates of completion; to delete references to advanced defensive driving courses; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of licenses to persons completing defensive driving course or alcohol or drug program, is amended by striking paragraphs (1) and (2) of subsection (a) of Code Section 40-5-83, relating to operation of driver clinics and programs, and inserting in their place the following:

"(a)(1) The commissioner of motor vehicle safety shall establish criteria for the approval of driver improvement clinics. To be approved, a clinic shall provide ~~and operate either a defensive driving course, an advanced defensive driving course, or a professional defensive driving course or any combination thereof~~ to the department for approval, or notify the department of the clinic's legal authority to use a currently approved curriculum or program, a curriculum consisting of a minimum of six hours of classroom theoretical instruction consisting of traffic safety related information designed for the improvement or remediation of an individual's knowledge of defensive driving techniques and traffic laws. Clinics shall be composed of uniform education and training programs ~~consisting of six hours of instruction~~ designed for the rehabilitation of problem drivers. The commissioner shall establish standards and requirements concerning the contents of courses, qualifications of instructors, attendance requirements for students, and examinations. Approved clinics shall charge a fee of \$75.00 for a defensive driving

1 course, an advanced defensive driving course, or a professional defensive driving course;  
2 except that such clinics may charge different fees of their own choosing if the person is  
3 not enrolling in such course pursuant to court order or department requirement. No clinic  
4 shall be approved unless such clinic agrees in writing to allow the examination and audit  
5 of the books, records, and financial statements of such clinic. ~~Clinics may be operated by~~  
6 ~~any individual, partnership, corporation, association, civic group, club, county,~~  
7 ~~municipality, board of education, school, or college~~ It shall be the responsibility of the  
8 clinic owner or operator to issue to each student who has passed the course a certificate  
9 of completion in the format prescribed by the department for reinstatement, points  
10 reduction, out of state reinstatement, or as ordered by a court. The student's stated  
11 purpose for taking the course shall be noted as required by the certificate of completion.  
12 Students who are taking a class for the purpose of insurance reduction only, without any  
13 additional purposes of reinstatement, points reduction, out of state reinstatement, or  
14 fulfilling a court order, shall be given a certificate of completion noting this purpose. A  
15 certificate of completion for insurance reduction only cannot be used for purposes of  
16 reinstatement, points reduction, out of state reinstatement, or fulfilling a court order.  
17 Driver improvement clinics may be operated by any public, private, or governmental  
18 entity; provided, however, that in any county where a driver improvement clinic is  
19 operated by a private entity, no governmental entity shall be licensed to operate a driver  
20 improvement clinic.

21 (2) The commissioner may issue a special license to the instructor of any ~~commercial~~  
22 driver training school authorizing such instructor to teach a defensive driving course;  
23 ~~advanced defensive driving course, or professional defensive driving course~~ of a driver  
24 improvement clinic provided pursuant to this Code section if such instructor is qualified  
25 to teach a teen-age driver education course which consists of a minimum of 30 hours of  
26 classroom and six hours of behind-the-wheel training and such instructor certifies to the  
27 commissioner that he or she has provided at least 250 hours of behind-the-wheel training  
28 in a teen-age driver education course."

## 29 SECTION 2.

30 Said article is further amended by striking subsections (b), (c), and (d) of Code Section  
31 40-5-84, relating to reinstatement of licenses suspended for points, and inserting in their  
32 place the following:

33 "(b) The license of any person whose license is suspended for the second time as a result  
34 of the conviction of an offense listed in Code Section 40-5-54 shall, at the expiration of 120  
35 days following the date the license is suspended, be reinstated by the department upon  
36 receipt by the department of a certificate of completion of ~~an advanced~~ a defensive driving

1 course and the payment of a restoration fee of \$210.00 or \$200.00 when such reinstatement  
2 is processed by mail.

3 (c) The license of any person whose license is suspended for the first time as a result of  
4 the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the  
5 department immediately upon receipt by the department of a certificate of completion of  
6 ~~an approved~~ a defensive driving course and the payment of a restoration fee of \$210.00 or  
7 \$200.00 when such reinstatement is processed by mail.

8 (d) The license of any person whose license is suspended for the second time as a result  
9 of the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the  
10 department immediately upon receipt by the department of a certificate of completion of  
11 ~~an advanced~~ a defensive driving course and the payment of a restoration fee of \$210.00 or  
12 \$200.00 when such reinstatement is processed by mail."

13 **SECTION 3.**

14 This Act shall become effective on July 1, 2005.

15 **SECTION 4.**

16 All laws and parts of laws in conflict with this Act are repealed.